

FORM PTO-1390  
(REV 5-93)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTORNEY DOCKET NUMBER  
977777-11546TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

DATE: February 28, 2005

U.S. APPLICATION NUMBER  
(IF KNOWN, SEE P. 15)  
NEW PATENT APPLICATION  
**10/525761**INTERNATIONAL APPLICATION NUMBER  
PCT/JP2003/010865INTERNATIONAL FILING DATE  
August 27, 2003PRIORITY DATE CLAIMED  
August 27, 2003TITLE OF INVENTION: CULTURING SYSTEM, DETECTING METHOD, AND DETECTION/ANALYSIS SYSTEM AND  
DETECTION METHOD FOR CANCER CELL COLONIES

APPLICANT(S) FOR DO/EO/US: Norioki KOU (Kagoshima, Japan), Makoto FUJII (Kagoshima Japan)

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The U.S. has been elected (Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☒ is attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application into English [35 U.S.C. 371(c)(2)].
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☐ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 to 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; Form PTO-1449 and References ( ).
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Drawings (Figs. 1-5; 5 sheets), Statement Verifying Small Entity Status, WO 2004/020656 A1 (copy)

U.S. APPLICATION NUMBER (IF KNOWN) <b>10/525761</b> NEW PATENT APPLICATION		INTERNATIONAL APPLICATION NUMBER PCT/JP2003/010865		ATTORNEY DOCKET NUMBER 977777-11546	
The following fees are submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic National Fee ..... \$300.00				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$100.00 All other situations ..... \$200.00				\$ 200.00	
23. <input checked="" type="checkbox"/> Search Fee Search Fee (37 CFR 1.445(a)(2)) has been paid on the International Application to the USPTO as an International Search Authority ..... \$100.00 International Search Report prepared and provided to the Office ..... \$400.00 All other situations ..... \$500.00				\$ 500.00	
TOTAL OF CALCULATIONS FOR 21, 22 AND 23				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
- 100 =	/ 50 =		X \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	15 - 20 =	0	X \$ 50.00	\$ .00	
Independent Claims	2 - 3 =	0	X \$200.00	\$ .00	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,360.00	
Reduction by one-half for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28).				\$ 680.00	
SUBTOTAL =				\$ 680.00	
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)]. +				\$	
TOTAL NATIONAL FEE =				\$ 680.00	
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 680.00	
				Amount to be refunded	\$
				Charged	\$
a. <input checked="" type="checkbox"/> Check #421599 in the amount of \$680.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account Number 01-2300 in the amount of \$ .00 to cover the above fee. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 01-2300, referencing Attorney Docket Number 977777-11546. NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: Customer Number 004372 ARENT FOX PLLC 1050 Connecticut Avenue, NW, Suite 400 Washington, DC 20036-5339 Telephone: 202-857-6000 Fax: 202-638-4810 CMM:vmh					

for: *M. Marmelstein* Reg # 44,275  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Norioki KOU et al.

Attorney Docket Number: 977777-11546

Serial Number: NEW PATENT APPLICATION

Filed: February 28, 2005

For: CULTURING SYSTEM, DETECTING METHOD, AND DETECTION/  
ANALYSIS SYSTEM AND DETECTION METHOD FOR CANCER CELL  
COLONIES

**STATEMENT VERIFYING SMALL ENTITY STATUS**

**Mail Stop PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Date: February 28, 2005

Sir:

It is respectfully submitted that the above-identified application claims small entity status, and acknowledgement of this status by the U.S. Patent and Trademark Office is hereby requested.

In the event that any fees are due with respect to this paper, please charge Deposit Account Number 01-2300, referencing Attorney Docket Number 977777-11546.

Respectfully submitted,

  
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